

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BEN KUMM; GLEN R. KUMM; JANICE )  
KUMM and DEANN KUMM, individually )  
and as co-personal representatives of ) 8:08CV368  
the ESTATE OF GAYLORD KUMM; )  
ESTATE OF GAYLORD KUMM; and )  
STARR KUMM n/k/a Starr Wallace, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
PHOENIX LIFE INSURANCE COMPANY )  
and PHL VARIABLE INSURANCE ) ORDER  
COMPANY, )  
 )  
Defendants. )  
 )  
SUN LIFE ASSURANCE COMPANY )  
OF CANADA, )  
 )  
Plaintiff, ) 8:08CV290  
 )  
v. )  
 )  
JANICE KUMM AND DEANN KUMM, )  
as co-personal representatives of )  
the ESTATE OF GAYLORD KUMM; )  
DEANN KUMM, individually; ESTATE )  
OF GAYLORD KUMM; BEN KUMM, )  
individually, GLEN R. KUMM, )  
individually; and STARR KUMM n/ka )  
Starr Wallace, individually, )  
 )  
Defendants and )  
Third-Party Plaintiff, )  
 )  
v. )  
 )  
GERALD BRYCE, JAMES GRENDELL, )  
BRYAN REIL, and PARADIGM )  
FINANCIAL SERVICES, LLC, )  
 )  
Third-Party Defendants. )

This matter is before the court on the motion for an immediate progression hearing regarding status of deposition and consolidation by the Defendants/Third Party Plaintiffs in Case No. 8:08CV290 and the Plaintiffs in Case No. 8:08CV368 (Filing No. 136 in 8:08CV290; Filing No. 71 in 8:08CV368). The court held a telephone conference with counsel on August 24, 2009. Counsel for all parties participated.

The parties requested the deconsolidation of these matters to accommodate scheduled depositions. There being no objection, these cases are ordered deconsolidated and the court's order of August 17, 2009 (Filing No. 128 in Case No. 8:08CV290 and Filing No. 69 in Case No. 8:08CV368) is vacated.

**IT IS SO ORDERED.**

DATED this 24th day of August, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge